

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

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| In re: | * | | |
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| GANIAT A. AIYEGORO | * | Case No.08-22050-TJC | |
| | | (Chapter 13) | |
| Debtor | * | | |
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| GANIAT A. AIYEGORO | * | | |
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| Movants | * | | |
| | | | |
| v. | * | | |
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| BANK OF AMERICA | * | Account No. xxxxxx2207 | |
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| Respondent | * | | |
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MOTION TO AVOID LIEN OF BANK OF AMERICA

The Debtor, Ganiat A. Aiyegoro (“the Debtor”), by and through undersigned counsel, move this honorable Court, pursuant to 11 U.S.C. §§ 506 and Federal Bankruptcy Rule 3012, to avoid the wholly unsecured lien of Bank of America and for cause state that:

1. On September 19, 2008, the Debtor commenced this case with the filing of a Voluntary Petition for relief under Chapter 13 of Title 11 of the United States Code.
2. The Debtor is the owner of record of real property located at 4502 Valiant Trace, Bowie, Maryland 20720 (“the Property”).
3. The value of the Property is four hundred and forty thousand dollars (\$440,000.00), as evidenced by the appraisal attached hereto as Exhibit 1.

4. The Property currently is encumbered by a first deed of trust held by Wells Fargo Bank, NA (“Wells Fargo”) in the claimed amount of four hundred, forty-seven thousand, six hundred seventy-five dollars and three-seven cents (\$447,675.37), as evidenced by the Proof of Claim filed on behalf of Wells Fargo and attached hereto as Exhibit 2.

5. The Property currently is encumbered by a second deed of trust held by Bank of America in the approximate amount of one hundred, eighty-eight thousand, six hundred, twenty-five dollars and eighty-one cents (\$188, 625.81).

6. As the lien of Bank of America is wholly unsecured, it may be avoided under the Debtor’s Chapter 13 plan pursuant to 11 U.S.C. § 506(a), as applied in Johnson v. Asset Management Group, LLC, 226 B.R. 364 (D. Md. 1998).

WHEREFORE, the Debtor requests that this Court order that the lien of Bank of America be avoided upon the Debtor’s discharge from Chapter 13; order that any claim held by Bank of America is unsecured and so shall be treated under any plan confirmed by the Court in this case; order that Bank of America shall record a release of its lien in the appropriate office of land records upon notice of the Debtor’s discharge from Chapter 13; and grant such further relief the Court deems appropriate.

Respectfully submitted,

MORGAN ROSE, LLC

/s/ Jonathan P. Morgan
Jonathan P. Morgan, # 12969
414 Hungerford Drive, Suite 252
Rockville, MD 20850
(301) 838-2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 11, 2008, a copy of the foregoing

Motion to Avoid Lien of Bank of America was served by certified mail to:

Kenneth D. Lewis, President & CEO
Bank of America Corporation
100 N. Tryon Street
Charlotte, NC 28255

and by CM/ECF e-mail to:

Nancy L. Spencer-Grigsby
Chapter 13 Trustee
4201 Mitchellville, Rd. Ste. 401
Bowie, MD 20716

/s/ Jonathan P. Morgan
Jonathan P. Morgan, #12969